

INITIAL SCREENING OF INCOMING PAPERS CHECKLIST

Reviewer: R Chase

Date: 9-13-02

APPLICATION NO. 09/743787

1. PETITION TYPE CODE

☐ R137(a) Petition-----501
☐ R137(a) Petition -----509
 (Issue Fee/Dwgs)
☐ R137(b) Petition-----502
☐ R137(b) Petition-----510
 (Issue Fee/Dwgs)
☐ R137(f) Petition-----536
☐ R182 Petition-----519
☐ R183 Petition-----503
☐ R378(b) Petition-----532
☐ R378(c) Petition-----533
☐ R377 Petition-----521
☐ R3.81(b) Petition-----523
☐ R181 Petition-----515
☐ R181 Petition-----504

PETITION TYPE CODE

☐ R28c Peition-----309
☐ R47 Petition-----313
☐ R53(e) Petition-----408
☐ R53 (R62 filing date)----410
☐ R10 Petition-----411
☐ Lost Application-----412
☐ R78(a)(3) Petition-----535
☐ R78(a)(6) Petition-----535
☐ R55(c) Petition-----535
☐ R314 Petition-----508
☐ R55(a) Petition-----507
☐ Pet. W/D Abn-----525
☐ R705(b) PTA-Bef iss-----550
☐ R705(d) PTA-Aft iss-----551
☐ R705(c)PTA-SpiteDueCare-552
☐ Other _____

2. LIST PAPERS FILED WITH PETITIONS

<input type="checkbox"/> PreAmdt/Amdt	<input type="checkbox"/> CPA	<input type="checkbox"/> Associate POA
<input type="checkbox"/> Filing Fees	<input type="checkbox"/> RCE	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Reply/Arguments	<input type="checkbox"/> IDS	<input type="checkbox"/> Change of Address
<input type="checkbox"/> Election	<input type="checkbox"/> 129(a) Submsn	<input type="checkbox"/> Revocation/Poa
<input type="checkbox"/> Notice of Appeal	<input type="checkbox"/> Issue Fee	<input type="checkbox"/> Priority Documents
<input type="checkbox"/> Brief (3)	<input type="checkbox"/> Drawings	<input type="checkbox"/> Oath/Decl. & POA
<input type="checkbox"/> Reply Brief	<input type="checkbox"/> Rule 312 Amdt	<input type="checkbox"/> Rescind Non-Pub Req.
<input type="checkbox"/> Declaration R132	<input type="checkbox"/> Ext Time ()	<input type="checkbox"/> Statement 3.73(b)

Other Papers _____

3. Is paper a petition to withdraw holding of abandonment: yes no
 If so, send paper and/or file to appropriate location (*Note: remove any flag set first*):

- Nonreceipt of action from TC or assertion that reply was timely filed:
 Send paper to TC _____
- Nonreceipt of Missing Parts Notice or assertion that reply was timely filed:
 Send paper to DIRECTOR -OIPE - -CP2-7D25 (PH: 308-0910)
- Assertion of timely payment of issue fee and/or submission of drawings:
 Send petition to Office of Publications: ATTN: Tom Hawkins
- Other _____

4. Other: PT Legal

If not handled in Office of Petitions, send paper to appropriate location.

5. Is petition accompanied by assignment papers, fee address, or other paper which needs to be sent to another location? yes no If so, make copy of assignment papers, fee address, or other paper; mail original to proper location and place copy in file with an indication that the original paper(s) has been forwarded to the appropriate location (Assignment Branch; Maintenance Fee Division, etc.)



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re the application of:

SUZARTE PAZ

Docket No. 024273-00001

Serial Number: 09/743,787

Examiner: To Be Assigned

Filed: January 17, 2001

Art Unit: To Be Assigned

For: PROCEDURES FOR OBTAINING POLYMERS DERIVED FROM VINYL ACETATE
AND THEIR USES**RENEWED PETITION UNDER 37 CFR 1.181 - REQUEST FOR RECONSIDERATION
OF REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT**Commissioner for Patents
Washington, D.C. 20231

September 9, 2002

Sir:

Applicants respectfully request that the Examiner reconsider the dismissal of the Request for Withdrawal of Holding of Abandonment filed October 18, 2002 (and again filed on June 19, 2002 via facsimile), as indicated in the Decision On Petition Under 37 CFR 1.181 dated August 15, 2002 (hereinafter "the Decision"). Accordingly, Applicants also respectfully request withdrawal of the holding of abandonment as set forth in the Decision as well as the Notification of Abandonment dated September 17, 2001. This application is allegedly abandoned for failure to respond to the notification of Missing Parts Requirement allegedly mailed February 14, 2001, within the time period set therein.

In the Decision, it is indicated that a petition requesting withdrawal of a holding of abandonment requires submission of a statement that:

(1) the Office Action was not received, (2) attests that a search of the file jacket indicates the Office action was not received, (3) attests that a search of counsel's docket records indicates the Office action was not received and (4) the Petition must also be accompanied by copies of the docket records where the non-received Office action would have been entered.

It is stated at page 2 of the Decision that items (1), (3) and (4) are satisfied by the papers filed on October 18, 2001. However, the Decision also states that item (2) is not yet satisfied, as this item requires an attestation that a search of the file jacket indicates that the Office Action was never received.

Accordingly, Applicants attach hereto a Declaration by Mr. Hans J. Crosby (the attorney responsible for the above application) attesting to the reasons why a search of the file jacket indicates that no notification of Missing Parts Requirement for the above application was ever received by the Arent Fox firm. Applicants urge that this Declaration satisfies the requirements of item (2) as indicated in the Decision and as discussed above.

Therefore, in that item (2) as well as items (1), (3) and (4) are satisfied, Applicants urge that all requirements for the Request for Withdrawal of Holding of Abandonment have also been satisfied. It is therefore respectfully requested that the notification of Missing Parts Requirement be again mailed to the Arent Fox firm and that the holding of abandonment be withdrawn. See MPEP §711.02 and Delgar Inc. v. Schuyler, Commr. Pats., 172 USPQ 513 (D.D.C. 1971).

Any fees associated with this communication should be waived since the evidence submitted herewith shows that Applicant is in no way at fault for not responding to the notification of Missing Parts Requirement dated February 14, 2001.

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Should withdrawal from abandoned status not be granted immediately, this request should be considered to be a Petition to the Commissioner under 37 CFR 1.181 - 1.183, including a petition that all fees in connection therewith be waived because it is clear that Applicant is not at fault in this matter.

Should any such Petition under 37 CFR 1.181 - 1.183 not be immediately granted, this request should be considered to be a Petition under 37 CFR 1.137(a) or 1.137(b), including a petition that all fees in connection therewith be waived because it is clear that Applicant is not at fault in this matter.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 01-2300. A duplicate copy of this request is attached.

Respectfully submitted,
ARENT FOX KINTNER PLOTKIN & KAHN PLLC



Hans J. Crosby
Registration No. 44,634

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Enclosures: Declaration of Hans J. Crosby

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

SUZARTE PAZ

Docket No. 024273-00001

Serial Number: 09/743,787

Examiner: To Be Assigned

Filed: January 17, 2001

Art Unit: To Be Assigned

For: PROCEDURES FOR OBTAINING POLYMERS DERIVED FROM VINYL
ACETATE AND THEIR USES

DECLARATION OF Hans J. Crosby

Commissioner for Patents
Washington, D.C. 20231

September 9, 2002

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Sir:

I, Hans J. Crosby, a citizen of the United States, hereby declare and state:

1. I am an associate attorney at the firm of Arent Fox Kintner Plotkin & Kahn, PLLC (referred to herein as "the firm").

2. I am the principal attorney responsible for the prosecution of the present application. The duties of a secretary in connection with being responsible for the prosecution of the present application include following the docketing and USPTO filing procedures for the firm. All mail creating due date(s) which is received from the USPTO, in connection with each application for which I am responsible, is placed in the file (hereinafter "the file jacket") for that application by my secretary. Also, any due date(s) created by such mail received from the USPTO, in connection with each application for which I am responsible, is noted in the file jacket including the cover of the file jacket by my secretary. Carroll Allman was my secretary up until February 20, 2001, and is no longer

with our firm. Monique Logan became my secretary on February 20, 2001 until December 2001, and is no longer with the firm.

3. Upon examining the complete file jacket for the above application after receiving the Notification of Abandonment in the above application, I noted that the file jacket contains no Notification of Missing Parts Requirement in the above application by March 14, 2001 (i.e., one month from the alleged date of mailing of the notification of Missing Parts Requirement in the above application). The file jacket also contains no notation of any due date with respect to responding to any Notification of Missing Parts Requirement in the above application by March 14, 2001. Upon examining the cover of the file jacket for the above application after receiving the Notification of Abandonment in the above application, I noted that there is no notation of any due date for responding to any Notification of Missing Parts Requirement in the above application as required by the firm procedure. A true and correct (reduced-size) copy of the cover of the file jacket for the above application was filed with the Request for Withdrawal of Holding of Abandonment on October 18, 2001.

4. Secretaries at the firm are instructed on the importance of ensuring that the file jacket for an application contain all mail received from the USPTO concerning the application and the cover of the file jacket reflect each due date established by such mail.

5. I am not aware of any occurrence where an Office Action (in an application where the applicant has not instructed us to abandon the application) was mailed to the firm and was not placed in the file jacket for the application. I am not aware of any occurrence where an Office Action (in an application where the applicant has not instructed us to abandon the application) was mailed to the firm and the due date(s) created not

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U. S. Patent Application Number 09/148,318

noted in the file jacket including the cover of the file jacket. There are no instructions from the applicant in this application to abandon this application.

6. Based on the above, it is my belief that the February 14, 2001 Notification of Missing Parts Requirement concerning the above application was never received by the firm.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Hans J. Crosby

Date

Sept 9, 2002

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